IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2091 OF 2006

Mr.Girish Damodar Pandit
and 2 Ors. ...Petitioners.
Versus
Mr.Rajkumar K. Shrivastav
and Anr. ...Respondents.

....

Mr.V.S.Kotwal,with M.S.Mohite, Adv. for the Petitioners.
Mr.R.S.Datar, Adv. for Respondent No.1.
Mrs.M.M.Deshmukh, APP, for State.

....

....

ALONG WITH

CRIMINAL WRIT PETITION NO.2130 OF 2006

Rajkumar K. Shrivastava ...Petitioner.
Versus
Girish Damodar Pandit
and 3 Ors. ...Respondents.

....

Mr.R.S.Datar, Adv. for the petitioner.
Mr.V.S.Kotwal, Adv. for Respondent No.1.
Mrs.M.M.Deshmukh, APP, for State.

....

CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 20th February, 2007.

P.C.:

1. Heard the learned Advocate for the petitioners, the learned Advocate for Respondent No.1 and the learned APP for the State.

2. The petitioners-orig.accused in Writ

Petition No.2091 of 2006 have been directed by the trial Court by order dated 5.9.2006 to furnish bank guarantee of Rs.3,50,000/- for the property involved i.e. laundry machinery and they were also directed that they shall not dispose of the said machinery and keep it in working condition. The petitioners who are the original accused are aggrieved by the quantum of the bank guarantee and they have prayed that the said amount be reduced substantially.

3. Mr.Datar, who is appearing for respondent No.1-orig.complainant in Writ Petition No.2091 of 2006 and for the petitioner in Writ Petition No.2130 of 2006, has stated that the lower Court had earlier directed the petitioners to furnish bank guarantee of Rs.7,00,000/- and hence the amount may not be reduced. He submitted that in fact the orig.complainant has preferred Writ Petition No.2130 of 2006 for increasing the bank guarantee and/or for taking the property in custody.

4. Mr.Datar submitted that the complainant apprehended that the petitioners may dispose of

the property during pendency of the trial. Mr.Datar has prayed that infact the property ought to be seized and it ought not be given to the petitioners on furnishing bank guarantee.

5. In my view, if the petitioners furnish appropriate undertaking before the trial Court, there would be no danger of the property being disposed of.

6. Looking to the facts of the case, I am inclined to reduce the amount of bank guarantee of Rs.3,50,000/- to Rs.3,00,000/-. The said bank guarantee to be furnished within a period of four weeks from today. The petitioners shall furnish undertaking before the trial Court that they will not dispose of the property or create any third party interest therein and they will keep the machinery in working condition. However, looking to the facts of this case, the trial in the case is expedited. The trial Court should endeavour to conclude the trial within a period of six months from today.

7. Writ Petitions are disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)